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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,865	08/25/2000	Kent Iverson	CISCP656	5977

7590 03/11/2004

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DALLAS, TX 75201-2980

EXAMINER

HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
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2665

10

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,865

Applicant(s)

IVERSON ET AL.

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-15 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-15 and 18-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Amendment

1. Responsive to amendment received on December 29, 2003, amended claims 1, 6-8, 10-13, 18-20 and 22 are entered as requested and claims 4, 5, 16 and 17 are cancelled.
2. The information disclosure statements (IDSs) submitted on October 10, 2000 and August 13, 2003 were considered by the examiner.
3. The intention of allowability of claims 5-9 and 17-21 as indicated in the office action mailed on November 24, 2003 is now withdrawn in light of new found prior art.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claim 1-3, 6, 11-15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bach (US Patent 6,353,742).

In regarding to claim 1 and 11-13, Bach teaches a controller for a packet processing system, configured to: (a) receive signal quality information about a plurality of data streams; (Column 2 Line 30-31, Column 4 Line 20-24) (b) based

on the signal quality information, to select one of the plurality of data streams to be forwarded independently of the controller, wherein the controller is configured to receive the signal quality information from a plurality of base transceiver stations, and wherein the controller is configured to direct one of the base transceiver stations to forward its data stream to a network device (Column 4 Line 49-52).

In regarding to claim 2 and 14, Bach teaches the data streams associated with a call session from a remote device, and the controller configured to select only one data stream to be forwarded (Column 6 Line 10-17).

In regarding to claim 3 and 15, Bach teaches the data streams associated with a plurality of call sessions from remote devices, and the controller configured to select only one data stream to be forwarded for each call session (Column 6 Line 41-53).

In regarding to claim 6 and 18, Bach teaches the data stream comprises packets using internet protocol (Column 3 Line 43).

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claim 7-10 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bach in view of Shaughnessy et al. (US Patent 6,141,347).

In regarding to claim 7 and 19, Bach teaches a controller for a packet processing system, configured to: (a) receive signal quality information about a plurality of data streams; (Column 2 Line 30-31, Column 4 Line 20-24) (b) based on the signal quality information, to select one of the plurality of data streams to be forwarded independently of the controller, wherein the controller is configured to receive the signal quality information from a plurality of base transceiver stations, and wherein the controller is configured to direct one of the base transceiver stations to forward its data stream to a network device (Column 4 Line 49-52). Bach, however, does not teach the controller configured to provide a multicast address to the network device for transmitting a data stream. Shaughnessy teaches the controller configured to provide a multicast address to the network device for transmitting a data stream (Column 7 Line 17-21). It would have been obvious to one skilled in the art to modify Bach to provide a multicast address to network device as taught by Shaughnessy in order to use the network resources more efficiently.

In regarding to claim 8 and 20, Shaughnessy teaches instructing a selected one of the base transceiver stations to receive the data stream at the multicast address (Column 7 Line 44-49).

In regarding to claim 9 and 21, Shaughnessy teaches the data stream comprises packets using internet protocol (Column 3 Line 45-48).

In regarding to claim 10 and 22, Shaughnessy teaches establishing a multicast address for issuing commands to the plurality of base transceiver stations (Column 7 Line 5-9).

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the base station controller in general.

U.S. Patent 6,590,879 to Huang et al.

U.S. Patent 6,438,378 to Kouno

U.S. Patent 6,597,698 to Lundbäck et al.

U.S. Patent 6,055,427 to Ojaniemi

U.S. Patent 6,445,916 to Rahman

U.S. Patent 6,252,862 to Sauer et al.

U.S. Pub. 2002/0072382 to Fong et al.

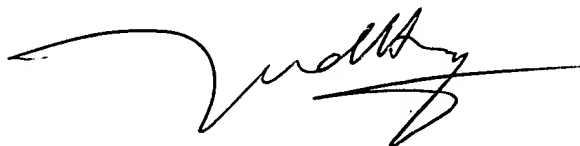
U.S. Pub. 2001/0026541 to You et al.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (703) 305-0372. The examiner can normally be reached on Monday-Friday 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clemence Han
Examiner
Art Unit 2665



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600